IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

OP.No. 22529 of 2000(S)

PETITIONERS:
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1. UNION OF INDIA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF DEFENCE, NEW DELHI.

2. SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF FINANCE, NEW DELHI.

3. THE CONTROLLER OF DEFENCE ACCOUNTS (PENSION), ALLAHABAD.

4. DEFENCE PENSION DISBURSING OFFICER, ERNAKULAM.

5. THE DEFENCE PENSION DISBURSING OFFICER, KOTTAYAM.

6. THE DEFENCE PENSION DISBURSING OFFICER, TRICHUR.

BY ADV. SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.JOHN VARGHESE, ASSISTANT SG

RESPONDENTS:
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1. THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH, REPRESENTED BY ITS REGISTRAR.

2. K.C. SEEMAN, AGED 52 YEARS. S/O. LATE K.K. CHACK, HEAD SECURITY GUARD, COCHIN EXPORT PROCESSING ZONE, KOCHI-30, REPRESENTED AT CPWD QUARTER BLOCK NO.XV, C.44 KUNNUMPURAM, KOCHI-30.

3. T.RAMAKRISHNAN, AGED 49 YEARS, S/O. THEVAN, HEAD SECURITY GUARD, COCHIN EXPORT PROCESSING ZONE, KAKKANAD, KOCHI, RESIDING AT CPWD QUARTERS BLOLCK NO.XXI B.68, KUNNUMPURAM, KAKKANAD, KOCHI.

4. C.R. KRISHNAN, AGED 57 YEARS, S/O. LATE SHRI.RAMAN, HEAD SECURITY GUARD, COCHIN EXPORT PROCESSING ZONE, KOCHI, RESIDING AT VILAKKATHARA HOUSE, MAMANGIMUKKU, THEVARA P.O., KOCHI-13.

5. M.F. VARGHESE, AGED 49 YEARS, S/O. M.V. FRANCIS,PRESENTLY EMPLOYED IN COCHIN EXPORT PROCESSING ZONE, KOCHI, RESIDING AT MULAVUKAD HOUSE, TRIPUNITHURA P.O., ERNAKULAM DISTRICT.

6. P.R. VELAYUDHAN, AGED 54 YEARS, S/O. P.V. RAMAN, PRESENTLY EMPLOYED IN COCHIN EXPORT PROCESSING ZONE, KOCHI, RESIDING AT PATTILEKATIL HOUSE, NANDIPURAM P.O., TRICHUR.

7. N.S. GOPI, AGED 46 YEARS, S/O. LATE SANKU, PREVENTIVE OFFICER OF CUSTOMS, COCHIN EXPORT PROCESSING ZONE, KAKKANADU, KOCHI-30, RESIDING AT 26/410G PRIYADARSHINI NAGAR, KONTHURUTHY, THEVARA P.O., KOCHI-13.

8. K.K. VASU, AGED 49 YEARS, S/O. LATE KOCHAPPA, COCHIN EXPORT PROCESSING ZONE, RESIDING AT KALYATHUKADU HOUSE, SOUTH PARAVUR, ERNAKULAM DISTRICT.

9. K.N. SIVARAMAN NAIR, AGED 49 YEARS, S/O. NEELAKANDAN NAIR, PRESENTLY EMPLOYED AS SECURITY GUARD, COCHIN EXPORT PROCESSING ZONE, KAKKANADU, KOCHI-30.

10. L.M. JOY, AGED 55 YEARS, S/O. LOUIS, EMPLOYED AS SECURITY GUARD, COCHIN EXPORT PROCESSING ZONE, KAKKANAD, KOCHI-30, RESIDING AT MALIAKAL HOUSE, NARAKKAL P.O., ERNAKULAM DISTRICT.

11. THE STATE BANK OF INDIA, PALAKKAD THROUGH ITS MANAGER.

BY ADV. SRI.GOVINDA SWAMY FOR R2 TO R10
SRI.MARTIN G.THOTTAN
SRI.V.V.NANDAGOPAL NAMBIAR
SRI.V.B.UNNIRAJ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23/5/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 47314/00 IN OP 22529/00

DISMISSED.

SD/- K.S.RADHAKRISHNAN,JUDGE.
SD/- ANTONY DOMINIC, JUDGE.

23/5/2007

APPENDIX

PETITIONERS' EXTS:

EXT.P1 TRUE COPY OF THE ORIGINAL APPLICATION NO.989/1998.

EXT.P2 TRUE COPY OF THE REPLY STATEMENT FILED BY THE PETITIONERS IN OA 989/98.

EXT.P3 TRUE COPY OF THE ORDER IN THE OA 989/98.

EXHIBITS OF 8TH RESPONDENT

EXT.R8(a) TRUE COPY OF THE LETTER NO.12(7)/D(Pen/Ser)/2000 DATED 2.11.2000 ISSUED BY THE GOVERNMENT OF INDIA, MINISTRY OF DEFENCE, NEW DELHI.

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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O.P.No.22529 of 2000
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Dated this the 23rd day of May, 2007.

JUDGMENT

Radhakrishnan,J.

We heard counsel for the petitioners and counsel for the respondents.

2. While disposing of the application, the following directions were given by the Tribunal:

> "(a) The action on the part of the respondents to recover the relief on defence pension paid to the applicants on the basis of the judgments in OAs 1815/91, 1813/92 and 52/92 which has become final is unjustified and the respondents are directed not to make any recovery from the pay or pension of the applicants on the ground of payment of relief on pension made to them on the basis of those judgments.
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> (b) If any amount has been recovered from the applicants, the same shall be refunded to them within a period of two months from the date of receipt of a copy of this order.
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> (c) The prayer for declaration that the applicants are entitled to receive the relief on defence pension

continuously is not granted.

(d) No order as to costs".

On the basis of the order passed by the Tribunal, the Government of India have already passed Ext.R8(a) order. By Ext.R8(a) it was ordered to refund the amount of dearness relief already recovered to the applicant. Taking note of the above, this Original Petition is closed.

K.S.Radhakrishnan,
Judge.

Antony Dominic
Judge.

ess 23/5